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E-FILED: December 18, 2009

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

<b>In Re:</b>	) <b>Case No. BKS-08-20667-LBR</b>
	) <b>Chapter 13</b>
	)
	)
<b>Aaron Finney,</b>	) <b>Hearing Date: December 30, 2009</b>
	) <b>Hearing Time: 10:00 AM</b>
	)
<b>Debtor(s).</b>	)
	)
	)

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**DEBTOR'S OPPOSITION TO MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY**

COMES NOW, Aaron Finney, by and through attorney, David Krieger, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004 MORGAN STANLEY ABS CAPITAL 1 INC. TRUST 2004-HE7 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE7's** ("Creditor") Motion For Relief From Automatic Stay states as follows:

1. On September 16, 2008, Debtor filed the current Chapter 13 Petition in Bankruptcy with the Court.

2. Debtor's Plan provides that Debtor would continue to make direct payments to Creditor, while under the protection of the automatic stay of the Bankruptcy Court.

3. The Amended Chapter 13 Plan Number 2 also provides for all pre-petition arrears as well as the post-petition payment for October, 2008 (*see Amended Chapter 13 Plan Number 2 attached hereto as Exhibit "1"*).

4. On or about December 04, 2009, Creditor filed a Motion for Relief from the Automatic Stay.

5. Debtor believes that the post-petition arrears listed in the Motion for Relief from Automatic Stay are inaccurate. The proof of payments that the Debtor has been able to provide is attached hereto as Exhibit "2".

6. Debtor requests the Creditor provide a transaction history to assess the status of the Debtors account and to ensure that all of the post-petition payments have been applied properly.

7. Debtor believes that the asset securing DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004 MORGAN STANLEY ABS CAPITAL 1 INC. TRUST 2004-HE7 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE7's claim is necessary to the Debtor's effective reorganization.

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8. Accordingly, Debtor requests Creditor's motion be denied or in the alternative continued so that an accurate accounting of the Debtor's payments can be assessed.

Dated: December 18, 2009

/s/ David Krieger, Esq.  
**Attorney for Debtor(s)**

**CERTIFICATE OF MAILING RE:**  
**DEBTOR'S OPPOSITION TO MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY**

I hereby certify that on December 18, 2009, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/David Krieger, Esq.  
Attorney for Debtor

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